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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Ivonne Carbajal, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

The Home Depot, Inc., a Delaware
Corporation and Validity, Inc., a
Delaware Corporation.

Defendants.

No.: CV-24-00730-PHX-DGC

**PLAINTIFF'S MOTION FOR
EXTENSION OF TIME TO FILE
RESPONSE TO DEFENDANT HOME
DEPOT U.S.A., INC.'S MOTION TO
DISMISS**

1 Plaintiff, Ivonne Carbajal, individually and on behalf of all others similarly situated,
2 by her attorneys, respectfully moves for the entry of an order granting her an extension of
3 time to September 11, 2024, to file her Response to Defendant Home Depot U.S.A., Inc.'s
4 ("Defendant" or "Home Depot") Motion to Dismiss.¹ In support of this Motion, Plaintiff
5 states as follows:

6 1. This action involves claims under Arizona's Telephone, Utility and
7 Communication Service Records Act (A.R.S. § 44-1376 *et seq.*) brought by the Named
8 Plaintiff on behalf of herself and other similarly situated Arizona residents resulting from
9 Defendant's practice of embedding spy tracking pixels in marketing emails Defendant sent
10 to Plaintiff and other Arizona residents who subscribed to Home Depot's email list.
11 Plaintiff alleges that Defendant used the spy tracking pixels to collect, obtain and use
12 certain information regarding the Plaintiff and the putative class members without their
13 consent.

14 2. On July 29, 2024, Defendant Home Depot U.S.A., Inc. filed its Motion to
15 Dismiss Plaintiff's First Amended Class Action Complaint pursuant to Fed. R. Civ. P.
16 12(b)(6). (ECF No. 20).

17 3. Accordingly, Plaintiff's response to Defendant's motion is due on August 12,
18 2024.

19 4. Plaintiff has been working diligently to prepare her response to Defendant's
20 motion to dismiss, but requires additional time to do so due to, *inter alia*, previously set
21 travel and work schedules in other work-related matters.

22 5. Accordingly, Plaintiff respectfully seeks a thirty (30) day extension of time
23 to September 11, 2024, to file her response to Defendant's motion.
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27 ¹ On July 29, 2024, Plaintiff filed a Notice of Voluntary Dismissal relating to
28 Defendant Validity, Inc. (ECF No. 18).

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on August 12, 2024, he caused the foregoing Motion for Extension of Time to be filed via the CM/ECF system, which will send service of such filing upon all counsel of record.

/s/ James X. Bormes
Attorney for Plaintiff